



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,633	03/19/2001	Thomas L. Benjamin	00742/066001	1354

21559 7590 05/20/2003

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

EXAMINER

LI QIAN I

ART UNIT PAPER NUMBER

1632

DATE MAILED: 05/20/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

OFFICE COMMUNICATION

Response to Amendment

The reply filed on 2/21/03 is not fully responsive to the prior Office Action because of the following matter(s): The amended claim 1 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the original elected invention group I is drawn to a method comprising the step of determining whether there is a proliferative disease-associated alteration in a *Sal2* nucleic acid whereas the amended claim 1 is drawn to determining alteration in the *Sal2* protein, drawn to group II of the original restriction. The amended claim 1 and dependent claims are also drawn to measuring combination of the *Sal2* protein and nucleic acid, these claims would have been restricted if presented originally. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, present claims 1-12 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. Also See 37 CFR 1.111. A complete reply to this communication must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Since the above-mentioned reply appears to be *bona fide* applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Art Unit: 1632

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Q. Janice Li whose telephone number is 703-308-7942. The examiner can normally be reached on 8:30 am - 5 p.m., Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah J. Reynolds can be reached on 703-305-4051. The fax numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications.

Any inquiry of formal matters can be directed to the patent analyst, Dianiece Jacobs, whose telephone number is (703) 305-3388.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235. The faxing of such papers must conform to the notice published in the Official Gazette 1096 OG 30 (November 15, 1989).



Q. Janice Li
Patent Examiner
Art Unit 1632



May 5, 2003